

\*\*E-Filed 7/6/06\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FELIX LEYVA-ANAYA,  
  
Defendant.

Case Number CR 05-681 JF (PVT)  
  
ORDER OVERRULING  
OBJECTIONS TO JUNE 6, 2006  
ORDER OF MAGISTRATE JUDGE  
TRUMBULL  
  
[RE: Doc. No. 41]

On June 6, 2006, Magistrate Judge Trumbull issued an order granting a pretrial *in camera* hearing with respect to Defendant's request for the identities of two confidential informants. Judge Trumbull reserved the question of whether defense counsel may be present during the *in camera* hearing.

The government filed objections to Judge Trumbull's ruling on June 20, 2006. Defendant filed a response on June 28, 2006. The government filed a reply on July 3, 2006. Oral argument was heard on July 5, 2006.

For the reasons stated on the record at the hearing, the Court concludes that Judge Trumbull's ruling was not contrary to law or clearly erroneous. *See* Fed. R. Crim. P. 59(a). The

facts of the instant case are materially indistinguishable from those of *Roviaro v. United States*,  
353 U.S. 53 (1957). Accordingly, the government's objections are OVERRULED.

IT IS SO ORDERED.

DATED: 7/5/06

  
JEREMY FOCHEL  
United States District Judge

1 This Order was served on the following persons:

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